

**Amendments to the Claims:**

Claims 1 and 16-29 are currently being amended.

Claims 30 and 33 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented. The text of all claims presently under examination is presented below in the listing of claims, and all claims are presented with an appropriate defined status identifier.

## Detailed and Complete Listing of Claims:

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1. (Currently Amended) A system for balancing a distribution of allocations for protected software over a communication network according to a license policy, the system comprising:

at least one client computer coupled to the communication network for requesting authorizations to use the protected software; and

a pool of license servers coupled to the communication network, each license server in the pool is programmed for managing a distribution of allocations for at least one client computer coupled to the communication network to use the protected software;

the pool of license servers including a current leader server programmed for updating the distribution of allocations to add at least one additional allocation to a particular license server if that particular license server ~~did not have a sufficient~~ has an insufficient number of allocations.

2. (Original) A system as recited in claim 1, each license server further including a borrowing threshold and programmed for determining whether the particular license server did not have a sufficient number of allocations by dividing an allocations-in-use value for that particular license server by a total allocation value for that particular license server and determining if a quotient of the division is greater than the borrowing threshold.

3. (Original) A system as recited in claim 2, the current leader server further programmed for updating the distribution of allocations to add at least one additional allocation to a particular license server if that particular license server did not have a sufficient number of allocations at any time during processing of a request for authorization from a client computer.

4. (Original) A system as recited in claim 2, the current leader server further including memory for storing the distribution of allocations for all license servers in the pool.

5. (Original) A system as recited in claim 2, wherein if the particular license server determines that it does not have a sufficient number of allocations at any time during processing of a request for authorization received from the client computer, the current leader server is further programmed for:

looking for a source of available allocations by checking a count of available allocations in a free pool, any down license servers, and the leader server; and

decreasing the count of available allocations from the source of available allocations and increasing the count of available allocations for the particular license server if the source of available allocations is found.

6. (Original) A system as recited in claim 5, the current leader server further programmed for communicating the updated distribution of allocations in the pool to all functioning license servers in the pool that are not the current leader server through a distribution criteria sync message.

7. (Original) A system as recited in claim 4, the current leader server further programmed for storing a new distribution of allocations in response to a change distribution criteria message containing the new distribution of allocations communicated to a license server.

8. (Original) A system as recited in claim 7:  
the license servers that are not the current leader server further programmed for communicating the change distribution criteria message to the current leader server if the license servers that are not the current leader server should receive a change distribution criteria message; and

the current leader server further programmed for communicating the new distribution of allocations in the pool to all functioning license servers in the pool that are not the leader server through a distribution criteria sync message.

9. (Original) A system as recited in claim 4, the current leader server further programmed for adding allocations to the pool in response to an add allocations message containing a count of allocations to be added to particular protected software communicated to a license server.

10. (Original) A system as recited in claim 9:  
the license servers that are not the current leader server further programmed for communicating the add allocations message to the current leader server if the license servers that are not the current leader server should receive an add allocations message; and  
the current leader server further programmed for communicating an updated distribution of allocations in the pool to all functioning license servers in the pool that are not the leader server through a distribution criteria sync message.

11. (Original) A system as recited in claim 4, the current leader server further programmed for adding a new license code to the pool in response to an add license code message containing a license code to be added communicated to a license server.

12. (Original) A system as recited in claim 11:  
the license servers that are not the current leader server further programmed for communicating the add license code message to the current leader server if the license servers that are not the current leader server should receive an add license code message; and  
the current leader server further programmed for communicating an updated distribution table containing the stored license codes and corresponding distribution of allocations in the pool to all functioning license servers in the pool that are not the leader server through a distribution criteria sync message.

13. (Original) A system as recited in claim 4, the current leader server further programmed for updating the distribution of allocations to add at least one additional allocation to a particular license server if that particular license server did not have a sufficient number of allocations at any time during processing of an update message received from at least one client computer operating in fail-over mode.

14. (Original) A system as recited in claim 13, wherein if the particular license server determines that it does not have a sufficient number of allocations at any time during the processing of an update message received from at least one client computer operating in fail-over mode, the current leader server is further programmed for:

looking for a source of available allocations by checking a count of available allocations in the leader server, a free pool, and any down license servers; and

decreasing the count of available allocations from the source of available allocations and increasing the count of available allocations for the particular license server if the source of available allocations is found.

15. (Original) A system as recited in claim 14, wherein if no source of available allocations is found by checking the count of available allocations in the leader server, the free pool, and any down license servers, the current leader server is further programmed for:

looking for a source of available allocations by checking a count of available allocations in all functioning license servers not designated as the leader server; and

decreasing the count of available allocations from the source of available allocations and increasing the count of available allocations for the particular license server if the source of available allocations is found.

16. (Currently Amended) A method for balancing a distribution of allocations for using protected software over by at least one client computer coupled to a communication network, the method comprising the steps of:

coupling a pool of license servers to the communication network;

assigning a distribution of allocations to the pool;

~~coupling at least one client computer to the communication network; and~~

programming each license server in the pool to manage the distribution of allocations including processing requests for authorization to use the protected software from at least one client computer coupled to the communication network;

designating a current leader server from the license servers in the pool and programming the current leader for updating the distribution of allocations to add at least one additional allocation to a particular license server if that particular license server did not have a

~~sufficient~~ has an insufficient number of allocations in response to a request for authorization received from a client computer.

17. (Currently Amended) A method as recited in claim 16, ~~the step of wherein~~ updating the distribution of allocations ~~further including~~ includes the steps of:

assigning a borrowing threshold to each license server; and

determining whether the particular license server did not have a sufficient number of allocations by dividing an allocations-in-use value for that particular license server by a total allocations value for that particular license server and determining if a quotient of the division is greater than the borrowing threshold.

18. (Currently Amended) A method as recited in claim 16, ~~the step of wherein~~ updating the distribution of allocations ~~further including the step of~~ includes:

selecting one of the license servers in the pool as a current leader server for storing the distribution of allocations for all license servers in the pool and for managing a re-assignment of allocations to give at least one additional allocation to a particular license server if that particular license server did not have a sufficient number of allocations at any time during processing of a request for authorization received from the client computer.

19. (Currently Amended) A method as recited in claim 18, wherein when it is determined that the particular license server did not have a sufficient number of allocations during the processing of a request for authorization received from the client computer, the method further ~~includes the steps of~~:

looking for a source of available authorizations by checking a count of available authorizations in a free pool, any down license servers, and the current leader server; and

decreasing the count of available allocations from the source of available allocations and increasing the count of available allocations for the particular license server if the source of available allocations is found.

20. (Currently Amended) A method as recited in claim 19, further including ~~the step~~  
of:

communicating the updated distribution of allocations in the pool to all  
functioning license servers in the pool that are not the current leader server through a distribution  
criteria sync message.

21. (Currently Amended) A method as recited in claim 18, further including ~~the step~~  
of:

updating the distribution of allocations by communicating a change distribution  
criteria message containing a new distribution of allocations to at least one license server.

22. (Currently Amended) A method as recited in claim 21, ~~the step of wherein~~  
updating the distribution of allocations by communicating a change distribution criteria message  
further ~~including the steps of~~ includes:

communicating the change distribution criteria message to the current leader  
server;

updating the distribution of allocations in the pool in the current leader server; and

communicating the updated distribution of allocations in the pool to all other  
functioning license servers in the pool that are not the current leader server through a distribution  
criteria sync message.

23. (Currently Amended) A method as recited in claim 18, further including ~~the step~~  
of:

adding allocations to the pool by communicating an add allocations message  
containing a count of allocations to be added to particular protected software to at least one  
license server.

24. (Currently Amended) A method as recited in claim 23, ~~the step of wherein~~ adding allocations to the pool by communicating an add allocations message further ~~including~~ the steps of includes:

communicating the add allocations message to the current leader server;  
updating the distribution of allocations in the pool in the current leader server; and  
communicating the updated distribution of allocations in the pool to all other  
functioning license servers in the pool that are not the current leader server through a distribution  
criteria sync message.

25. (Currently Amended) A method as recited in claim 18, further including ~~the step~~  
of:

adding a new license code for protected software to the pool by communicating  
an add license code message containing a license code to be added to at least one license server.

26. (Currently Amended) A method as recited in claim 25, ~~the step of wherein~~ adding a license code for protected software to the pool by communicating an add license code message further ~~including the steps of~~ includes:

communicating the add license code message to the current leader server;  
updating a distribution table containing the stored license codes and  
corresponding distribution of allocations in the pool in the current leader server; and  
communicating the updated distribution table to all other functioning license  
servers in the pool that are not the current leader server through a distribution criteria sync  
message.

27. (Currently Amended) A method as recited in claim 18, further including ~~the steps~~  
of:

updating the distribution of allocations to add at least one additional allocation to  
a particular license server if that particular license server did not have a sufficient number of  
allocations during the processing of an update message received from at least one client  
computer operating in fail-over mode.

28. (Currently Amended) A method as recited in claim 27, wherein when it is determined that the particular license server did not have a sufficient number of allocations during the processing of an update message received from at least one client computer operating in fail-over mode, the method further includes ~~the steps of~~:

looking for a source of available allocations by checking a count of available allocations in the current leader server, a free pool, and any down license servers; and

decreasing the count of available allocations from the source of available allocations and increasing the count of available allocations for the particular license server if the source of available allocations is found.

29. (Currently Amended) A method as recited in claim 28, wherein if no source of available allocations is found by checking the count of available allocations in the current leader server, the free pool, and any down license servers, the method further includes ~~the steps of~~:

looking for a source of available allocations by checking a count of available allocations in all functioning license servers not designated as the current leader server; and

decreasing the count of available allocations from the source of available allocations and increasing the count of available allocations for the particular license server if the source of available allocations is found.

30. (New) A system as recited in claim 1, wherein each license server that is programmed for managing a distribution of allocation comprises a license server programmed to receive a request for authorization to use the protected software from at least one client computer and to allocate authorization for each client computer from which a request is received and for which an authorization is available.

31. (New) A system as recited in claim 1, wherein each license server is programmed to receive a request for authorization to use the protected software from at least one client computer and, if an insufficient number of allocations are available, for obtaining at least one allocation from the lead server.

32. (New) A system as recited in claim 1, wherein:

each license server in the pool is assigned an initial distribution of zero or more available allocations for using the protected software by the at least one client computer; and

the current leader server is programmed to re-distribute one or more available allocations among the license servers in the pool.

33. (New) A system as recited in claim 1, wherein:

each license server in the pool is associated with a data storage device for storing a record of the number of allocations presently managed by that license server;

the current leader server is programmed to request a transfer of at least one allocation from a first license server to a second license server in the pool, in the event that the second license server is managing an insufficient number of available allocations; and

each license server in the pool are programmed to update the record of the number of allocations presently managed by the license server, following a transfer of at least one allocation from a first license server to a second license server.

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